

Commission Regulation (EC) No 1285/2008 of 15 December 2008 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation (EC) No 136/2004 (Text with EEA relevance)

Article 1

Subject matter

1 This Regulation lays down rules concerning the introduction into the Community of personal consignments of products of animal origin of a non commercial character which form part of travellers' luggage, or are sent as small consignments to private persons, or are ordered remotely (for example, by mail, by telephone or via the Internet) and delivered to the consumer.

2 This Regulation shall not apply to personal consignments from Andorra, Liechtenstein, Norway, San Marino, and Switzerland. In addition, this Regulation shall not apply to personal consignments of fishery products from the Faeroe Islands and Iceland. However for the appropriate information of passengers, such third countries shall be indicated as exempted countries on all relevant publicity material.

3 This Regulation shall apply without prejudice to Community veterinary legislation having as objective the control and eradication of animal diseases, or concerning certain protection measures.

4 This Regulation shall apply without prejudice to the relevant rules on certification contained within legislation implementing Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.

Article 2

Rules concerning the introduction into the Community of personal consignments of products of animal origin

1 Personal consignments of products of animal origin, for personal human consumption, as referred to in Article 16(1)(a), (b), and (d), and in Article 16(4) of Directive 97/78/EC, shall not be subject to the rules set out in Chapter I of that Directive, provided that they:

- a are listed in Part 1 of Annex I and not covered by Article 6(1) of Decision 2007/275/EC, and their combined quantity does not exceed the weight limit of 0 kilograms;
- b are listed in Part 1 of Annex II and their combined quantity does not exceed the weight limit of 2 kilograms;
- c are eviscerated fresh or prepared fishery products, or processed fishery products, within the meaning of points 3.5, 3.6 or 7.4 of Annex I to Regulation (EC) No 853/2004, and their combined quantity does not exceed the weight limit of 20 kilograms or the weight of one fish, whichever weight is the highest;
- d are products other than those referred to in Paragraphs (a), (b), (c) or in Article 6(1) of Decision 2007/275/EC and their combined quantity does not exceed the weight limit of 2 kilograms.

2 Personal consignments of animal products destined for the feeding of pets, shall not be subject to the rules set out in Chapter I of Directive 97/78/EC, provided that they:

- a are listed in Part 2 of Annex I and their combined quantity does not exceed the weight limit of 0 kilograms;

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- b are listed in Part 2 of Annex II and their combined quantity does not exceed the weight limit of 2 kilograms.
- 3 By way of derogation from Paragraphs 1(a), 1(b), 1(d) and 2, personal consignments of animal products, coming from Croatia, the Faeroe Islands, Greenland or Iceland, shall not be subject to the rules set out in Chapter I of that Directive, provided that they:
- a are listed in Annex I and not covered by Article 6(1) of Decision 2007/275/EC, and their combined quantity does not exceed the weight limit of 10 kilograms;
 - b are listed in Annex II and their combined quantity does not exceed the weight limit of 10 kilograms;
 - c are products other than those referred to in Paragraphs 1(c), 3(a), 3(b) of this Article or in Article 6(1) of Decision 2007/275/EC and their combined quantity does not exceed the weight limit of 10 kilograms.

Article 3

Information to be provided by Member States to travellers and to the general public

1 Member States shall ensure that at all points of entry into the Community, the veterinary conditions applicable to personal consignments introduced into the Community are brought to the attention of travellers arriving from third countries.

2 The information provided to travellers pursuant to paragraph 1 shall include at least the information in one of the posters set out in Annex III displayed by prominent notices placed in easily visible locations.

3 Member States may complement that information with additional information, including:

- a the information set out in Annex IV;
- b information appropriate to the local conditions, and with their national provisions adopted pursuant to Directive 97/78/EC.

4 The information provided for in paragraphs 2 and 3 shall be drawn up in:

- a at least one of the official languages of the Member State of introduction into the Community;
- b a second language considered appropriate by the competent authority; that second language may be the language used in the neighbouring country or, in the case of airports and ports, the language which is the most likely used by passengers arriving thereto.

Member States shall ensure that the general public is made aware of the requirements concerning the introduction into the Community of products of animal origin which are sent as small consignments to private persons or are ordered remotely by final consumers.

Article 4

Information to be provided by international passenger transport operators and postal services to their clients

International passenger transport operators, including airport and port operators and travel agencies, as well as postal services shall draw the attention of their customers to

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the rules laid down in this Regulation, in particular by providing the information set out in Annexes III and IV, as foreseen in Article 3.

Article 5

Controls

- 1 The competent authority or authorities, and those which carry out official controls, in cooperation with port and airport operators and with operators responsible for other points of entry for personal consignments of products of animal origin, shall organise effective controls at points of entry into the Community.
- 2 The controls provided for in paragraph 1 shall aim at detecting the presence of personal consignments of products of animal origin and at verifying that the conditions laid down in Article 2 are met.
- 3 The controls provided for in paragraph 1 may be organised using a risk based approach, including, if judged necessary by the competent authority of the Member State, the use of effective detection aids, such as scanning equipment and detector dogs, to screen large volumes of personal baggage for the presence of personal consignments of products of animal origin.

Article 6

Penalties

- 1 The competent authority or authorities, which carry out official controls shall:
 - a identify the personal consignments which are in breach of the rules laid down in this Regulation;
 - b seize and destroy such consignments in accordance with national legislation.
- 2 The competent authority or authorities, which carry out official controls, may impose costs or penalties for the person responsible for any personal consignment that is found to be in breach of the rules laid down in this Regulation.
- 3 Member States shall ensure that the national legislation applicable for the seizure and destruction of personal consignments identifies the natural or legal person liable for the costs of destruction of all such personal consignments that are seized.

Article 7

Reporting obligations

- 1 Member States shall submit to the Commission, every year, at the latest on 1 May, a report summarising the relevant information on the measures taken to advertise and enforce the rules laid down in this Regulation, and on the results thereof.
- 2 The report shall be in the form of a completed table as set out in Annex V.

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Article 8

Amendment

Article 8 of Regulation (EC) No 136/2004 is replaced by the following:

Article 8

Specific rules for products which form part of travellers' luggage or are sent as consignments to private persons

Products of animal origin which form part of travellers' luggage or are sent as small consignments to private persons shall comply with the requirements laid down in Commission Regulation (EC) No 1285/2008.

Article 9

Repeal

Regulation (EC) No 745/2004 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be correlated in accordance with the table set out in Annex VII.

Article 10

Transitional provisions

By way of derogation from paragraph 2 of Article 7, Member States shall submit to the Commission, a completed table as laid down in Annex VI, for the reporting periods prior to 1 January 2011.

Article 11

Entry into force and application

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall apply from 1 May 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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Done at Brussels, 15 December 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

Changes to legislation:

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